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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-638*

12 **CLAUDIA JEANETTE WISMA**  
13 **AKA CLAUDIA WISMA**  
14 **300 Valley Street, #603**  
**Lafayette, Indiana 47905**

**A C C U S A T I O N**

15 **Registered Nurse License No. 626819**

16 Respondent.

17  
18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive  
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about September 25, 2003, the Board issued Registered Nurse License Number  
24 626819 to Claudia Jeanette Wisma, also known as Claudia Wisma ("Respondent"). The  
25 Registered Nurse License expired on July 31, 2005, and has not been renewed.

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1 **CAUSE FOR DISCIPLINE**

2 (Out-of-State Discipline)

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),  
4 on the grounds of unprofessional conduct, in that effective September 27, 2011, the Indiana State  
5 Board of Nursing, in a disciplinary action entitled, *In the Matter of the License of Claudia*  
6 *Jeanette Wisma, R.N. License No: 28090798A*, Cause No. 2011 NB 253, approved and adopted in  
7 its *Final Order Accepting Proposed Findings of Fact, Conclusions of Law and Order, a Proposed*  
8 *Settlement Agreement* placing Respondent's Indiana nursing license on indefinite suspension.  
9 The *Proposed Settlement Agreement* and *Final Order Accepting Proposed Findings of Fact,*  
10 *Conclusions of Law and Order* are attached hereto as **Exhibit A** and incorporated herein by  
11 reference. The basis of such action is that Respondent was determined unfit for practice due to her  
12 arrest on or about December 15, 2008, for public intoxication with a blood alcohol count of .21%;  
13 her subsequent participation in a pretrial diversion agreement for public intoxication; her  
14 diagnosis as alcohol dependent; and, her inability to successfully comply with the terms of  
15 monitoring agreements with the Indiana State Nurses Assistant Program due to multiple relapses.

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 626819, issued to Claudia  
20 Jeanette Wisma also known as Claudia Wisma;

21 2. Ordering Claudia Jeanette Wisma, also known as Claudia Wisma, to pay the Board of  
22 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
23 pursuant to Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: FEBRUARY 20, 2013

*for* Stacie Bern  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

SA2012108194  
11003379.doc

**EXHIBIT A**

*Proposed Settlement Agreement and  
Final Order Accepting Proposed Findings of Fact, Conclusions of Law and Order  
In the Matter of the License of Claudia Jeanette Wisma, R.N. License No: 28090798A  
Cause No. 2911 NB 253  
Indiana State Board of Nursing*

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2011 NB 253

IN THE MATTER OF THE LICENSE OF )  
CLAUDIA JEANETTE WISMA, R.N. )  
LICENSE NO: 28090798A )

**FILED**

SEP 27 2011

Indiana Professional  
Standards Agency

**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Laura E. Wilford, Deputy Attorney General and Claudia Jeanette Wisma, R.N. ("Respondent") signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana State Board of Nursing ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

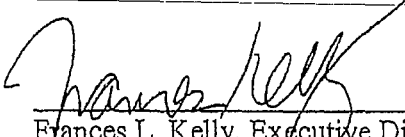
The Board, after reviewing the Agreement at the September 15, 2011 meeting held in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as **Exhibit A** and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 7-0-1. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

**WHEREFORE**, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

SO ORDERED, this 27 day of September, 2011.

INDIANA STATE BOARD OF NURSING

By:

  
Frances L. Kelly, Executive Director  
Indiana Professional Licensing Agency

Distribution:

Claudia Jeanette Wisma  
2517 Lafayette Drive  
Lafayette, IN 47909

**CERTIFIED MAIL NO: 91 7190 0005 2720 0011 5321**  
**RETURN RECEIPT REQUESTED**

Claudia Jeanette Wisma  
300 Valley Street, Apt. 504  
Lafayette, IN 47905

Laura E. Wilford  
Deputy Attorney General  
Office of the Attorney General  
8005 Castleway Drive  
Indianapolis, Indiana, 46250

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2011 NB 153

**FILED**

SEP 13 2011

Indiana Professional  
Licensing Agency

IN THE MATTER OF THE LICENSE OF )  
CLAUDIA JEANETTE WISMA, R.N. )  
LICENSE NO: 28090798A (ACTIVE) )

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana, by Laura E. Wilford, Deputy Attorney General ("Petitioner") and Claudia Jeanette Wisma, R.N. ("Respondent") hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana State Board of Nursing ("Board") pursuant to Ind. Code ch. 25-1-9 and the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3.

STIPULATED FACTS

1. Respondent is a Registered Nurse in the State of Indiana having been issued license number 28090798A on September 7, 1984.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 300 Valley Street, Apt. 504, Lafayette, IN 47905.
3. On or around April 17, 2006, Respondent began employment at Clarian Arnett Hospital located in Lafayette, Indiana.
4. On or around December 15, 2008, police officers with the Lafayette, Indiana Police Department responded to a 911 call about a possibly impaired driver in a grey Chrysler Sebring. Officers observed Respondent exit the described vehicle and stumble to the sidewalk. When an officer asked Respondent if she was okay, Respondent replied, "Well, I'm kind of drunk." The officer smelled the strong odor of alcohol coming from Respondent. Respondent

Exhibit  
A



was then arrested. When Respondent arrived at the jail, she was administered a portable breath test and the result read .21% BAC.

5. On or around December 30, 2008, staff from Clarian-Arnett Hospital contacted the Indiana State Nurses Assistance Program ("ISNAP") and informed them that Respondent had been arrested for public intoxication earlier that month.

6. On or around December 31, 2008, Respondent contacted ISNAP to initiate intake. She informed them that she was currently in treatment at the Alpine Center.

7. On or around January 28, 2009, ISNAP received Respondent's assessment from Dr. N. El-Khalili of the Alpine Center. Dr. El-Khalili gave Respondent an alcohol dependence diagnosis.

8. On or around February 18, 2009, Respondent entered into a three-year Recovery Monitoring Agreement ("RMA") with ISNAP.

9. On or around March 16, 2009, Respondent was criminally charged in Tippecanoe County, Indiana Superior Court 4 with Public Intoxication, a Class B Misdemeanor under cause number 79D0-0903-CM-00178.

10. On or around April 8, 2009, Respondent's urine drug screen ("UDS") returned a positive result for alcohol. Respondent informed ISNAP that she had been taking cough medicine for her respiratory infection.

11. On or around May 13, 2009, Respondent informed ISNAP that she had relapsed on alcohol. Dr. El-Khalili recommended that Respondent increase her AA meeting attendance and that she obtain a sponsor. He also authorized her to return to work; however, Respondent had been placed on a leave of absence.

12. On or around May 27, 2009, Tippecanoe County Superior Court 4 accepted a plea agreement for Respondent's criminal case under cause number 74D04-0903-CM-00178. The Court agreed to withhold prosecution for one year as long as Respondent met various conditions including completing sixty-four (64) hours of community service in six months and abstaining from possessing or using alcohol or controlled substances. Respondent was also required to follow all recommendations of ISNAP.

13. On or around August 18, 2009, ISNAP extended Respondent's RMA for three months due to her May relapse.

14. On or around August 20, 2009, ISNAP's quarterly compliance report showed Respondent in partial compliance. That same day Respondent's UDS showed a positive result for alcohol and benzodiazepine. Respondent provided a prescription for Xanax. Respondent was referred for reassessment with Chuck Cichanowicz, LMHC, ICADA- IV, CCJS. Cichanowicz recommended Respondent undergo relapse prevention counseling.

15. On or around September 9, 2009, ISNAP extended Respondent's RMA for three months due to her recent relapse.

16. On or around November 1, 2009, Respondent's Indiana nursing license expired.

17. On or around November 12, 2009, ISNAP's quarterly compliance report showed Respondent in partial compliance.

18. On or around December 17, 2009, Respondent renewed her Indiana nursing license online and answered, "YES," to question number three which asks, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Respondent disclosed with her renewal a statement indicating that she received a Public Intoxication charge in December of 2008 and that she was participating in

AA and was seeing an addiction therapist. Respondent's Indiana nursing license was renewed without a personal appearance before the Board.

19. On or around December 28, 2009, Respondent resigned her position with Clarian Arnett Hospital effective immediately. Respondent had not worked at the facility since being placed on leave after her 2008 arrest.

20. On or around February 11, 2010, ISNAP's quarterly compliance report showed Respondent in significant non-compliance.

21. On or around March 1, 2010, ISNAP extended Respondent's RMA due to non-compliance and warned her that any further non-compliance would result in case closure. Respondent then informed ISNAP that she had been hospitalized twice in late 2009 for relapses and depression.

22. On or around March 2, 2010, ISNAP informed Respondent that in light of her most recent relapses, Respondent needed to go into a long term residential treatment or her file would be closed.

23. On or around March 5, 2010, Respondent informed ISNAP that she could not enter into long term treatment.

24. On or around March 10, 2010, ISNAP closed Respondent's file for relapse and non-compliance.

25. On or around May 26, 2010, Respondent was successfully discharged from the Tippecanoe County Pre-trial Diversion Program. Neither Respondent nor ISNAP informed the Tippecanoe County Court of Respondent's relapses or non-compliance with ISNAP.

26. On or around June 24, 2010, Respondent contacted ISNAP to reenroll.

27. On or around June 28, 2010, ISNAP received Respondent's assessment from Lisa Gwaltney, LCSW from Southwest Behavioral Healthcare. Gwaltney gave Respondent an alcohol dependence diagnosis.

28. On or around July 9, 2010, Respondent entered into a second three-year RMA with ISNAP.

29. On or around August 31, 2010, Respondent informed ISNAP that she had attempted to overdose on drugs and alcohol. She indicated that she was continuing to see her therapist.

30. On or around October 6, 2010, Respondent began employment as a nurse at Regency Place of Lafayette ("Regency Place") located in Lafayette, Indiana.

31. On or around November 1, 2010, ISNAP's quarterly compliance report showed Respondent in significant non-compliance.

32. On or around November 2, 2010, ISNAP extended Respondent's RMA for three months due to non-compliance. Respondent was warned that further non-compliance would result in case closure.

33. On or around February 4, 2011, ISNAP's quarterly compliance report showed Respondent in full compliance; however, later that day Respondent informed ISNAP that she had relapsed on alcohol and was taking a leave of absence from work.

34. On or around February 8, 2011, Respondent requested that Regency Place allow her to take Employee Medical Leave due to her recent relapse.

35. On or around February 24, 2011, ISNAP closed Respondent's file due to non-compliance. ISNAP notified Regency Place that Respondent had been closed from the program for non-compliance.

36. On or around March 8, 2011, Respondent's employment with Regency Place was terminated.

37. Since July, Respondent has been an active participant in Alcoholics Anonymous and is currently doing ninety (90) meetings in ninety (90) days. She is currently employed in a non-health care related job.

#### STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent's conduct violated Ind. Code §25-1-9-4(a)(4)(D).

#### AGREED DISPOSITION

It is now therefore agreed by Respondent and the Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana nursing license.
5. Respondent agrees that her Indiana nursing license shall be placed on INDEFINITE SUSPENSION.
6. Prior to petitioning for reinstatement, Respondent shall enter into and have one year of complete and continuous compliance with an ISNAP Recovery Monitoring Agreement. Respondent shall be an active participant in ISNAP at the time she petitions for reinstatement.

7. Prior to petitioning for reinstatement, Respondent shall pay a FINE in the amount of two hundred and fifty dollars (\$250.00). This fine shall be paid by check or money order payable to the Indiana Professional Licensing Agency and sent to the following address:

Indiana Professional Licensing Agency  
Attn: Nursing, Group 2  
402 West Washington Street, Room W072  
Indianapolis, IN 46204

8. Prior to petitioning for reinstatement, Respondent shall, pursuant to Ind. Code § 4-6-14-10 (b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

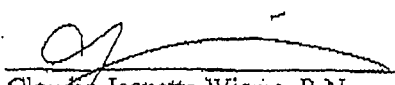
Indiana Office of the Attorney General  
Attn: Katherine Thorpe  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204

9. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

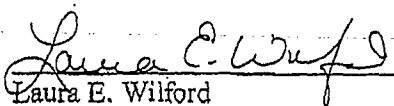
10. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of nursing, or any violation of the Settlement Agreement may result in the State requesting an emergency suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

11. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews

Respondent's license at a later date.

  
Claudia Jeanette Wisma, R.N.  
Respondent

9-9-2011  
Date

  
Laura E. Wilford  
Deputy Attorney General

9/13/11  
Date

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me a Notary Public for said County and State, personally appeared **Claudia Jeanette Wisma, R.N.**, and being first duly sworn by me upon his/her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 9 day of September, 2011.

  
Signature  
  
Sahana R. Gurtecor  
Printed Name

My Commission Expires: 03-22-14

County of Residence: Tippelance

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2011 NB 253

IN THE MATTER OF THE LICENSE OF )  
CLAUDIA JEANETTE WISMA, R.N. )  
LICENSE NO: 28090798A (ACTIVE) )

**FILED**

AUG 11 2011

Indiana Professional  
Licensing Agency

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General Laura E. Wilford, on behalf of the Office of the Attorney General, and pursuant to Ind. Code § 25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3, and Ind. Code ch. 25-1-9, files its Complaint against the Indiana nursing license of Claudia Jeanette Wisma, R.N. ("Respondent"), and in support alleges and states the following:

FACTS

1. Respondent is a Registered Nurse in the State of Indiana having been issued license number 28090798A on September 7, 1984.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 2517 Lafayette Drive, Lafayette, Indiana 47909. Respondent is also reported to reside at P.O. Box 6521, Lafayette, Indiana 47903.
3. On or around April 17, 2006, Respondent began employment at Clarian Arnett Hospital located in Lafayette, Indiana.
4. On or around December 15, 2008, police officers with the Lafayette, Indiana Police Department responded to a 911 call about a possibly impaired driver in a grey Chrysler Sebring. Officers observed Respondent exit the described vehicle and stumble to the sidewalk. When an officer asked Respondent if she was okay, Respondent replied, "Well, I'm kind of



drunk." The officer smelled the strong odor of alcohol coming from Respondent. Respondent was then arrested. When Respondent arrived at the jail, she was administered a portable breath test and the result read .21% BAC.

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35. On or around February 24, 2011, ISNAP closed Respondent's file due to non-compliance. ISNAP notified Regency Place that Respondent had been closed from the program for non-compliance.

36. On or around March 8, 2011, Respondent's employment with Regency Place was terminated.

**COUNT I**

37. Paragraphs 1 through 36 are incorporated by reference herein.

38. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to Respondent's 2008 arrest and participation in a Pre-Trial Diversion Agreement for Public Intoxication in Tippecanoe County, Respondent's alcohol dependence diagnosis, Respondent's multiple relapses while in ISNAP, and Respondent's closure from ISNAP on two occasions for non-compliance.

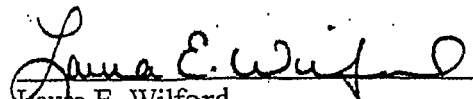
**WHEREFORE**, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and;
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller,  
Attorney General of Indiana  
Attorney No.: 1958-98

By:

  
Laura E. Wilford  
Deputy Attorney General  
Attorney No.: 24446-49

CERTIFICATE OF SERVICE

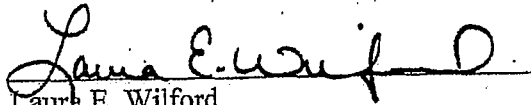
I certify that a copy of the "Complaint" has been duly served upon the Respondent listed below, by United State mail, first-class, postage prepaid, on this 11<sup>th</sup> day of

August, 2011.

Claudia Jeanette Wisma  
2517 Lafayette Drive  
Lafayette, IN 47909

AND

Claudia Jeanette Wisma  
P.O. Box 6521  
Lafayette, IN 47903

  
Laura E. Wilford  
Deputy Attorney General  
Attorney No.: 24446-49

OFFICE OF THE ATTORNEY GENERAL  
8005 Castleway Drive  
Indianapolis, IN 46250  
Telephone Number (317) 915-5305  
Email: Laura.Wilford@atg.in.gov  
Fax: 317-232-7979